

House File 491 - Introduced

HOUSE FILE 491
BY COMMITTEE ON ECONOMIC
GROWTH/REBUILD IOWA

(SUCCESSOR TO HF 263)

A BILL FOR

1 An Act requiring regulatory analysis for new administrative
2 rules regarding the impact of the rules on small business.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 17A.4A, subsections 1, 4, and 5, Code
2 2011, are amended to read as follows:

3 1. a. An agency shall issue a regulatory analysis of
4 a proposed rule that complies with subsection 2, paragraph
5 "a", if, within thirty-two days after the published notice of
6 proposed rule adoption, a written request for the analysis is
7 submitted to the agency by the administrative rules review
8 committee or the administrative rules coordinator. If a rule
9 has been adopted without prior notice and an opportunity for
10 public participation in reliance upon section 17A.4, subsection
11 3, the written request for an analysis that complies with
12 subsection 2, paragraph "a", may be made within seventy days of
13 publication of the rule.

14 b. An agency shall issue a regulatory analysis of a proposed
15 rule that complies with subsection 2, paragraph "b", if the
16 rule would have a substantial impact on small business ~~and if,~~
17 ~~within thirty-two days after the published notice of proposed~~
18 ~~rule adoption, a written request for analysis is submitted to~~
19 ~~the agency by the administrative rules review committee, the~~
20 ~~administrative rules coordinator, at least twenty-five persons~~
21 ~~signing that request who each qualify as a small business or~~
22 ~~by an organization representing at least twenty-five such~~
23 persons, as determined by the agency pursuant to rules adopted
24 by the agency pursuant to paragraph "c". The analysis shall
25 be completed prior to publication in the Iowa administrative
26 bulletin of notice of the intended action pursuant to section
27 17A.4, subsection 1, paragraph "a". A concise summary of the
28 analysis shall be published in the Iowa administrative bulletin
29 along with the notice of intended action. If a rule has been
30 adopted without prior notice and an opportunity for public
31 participation in reliance upon section 17A.4, subsection 3, the
32 ~~written request for an analysis that complies with subsection~~
33 ~~2, paragraph "a" or "b", may be made shall be issued within~~
34 seventy days of publication of the rule and a concise summary
35 of the analysis shall be published in the Iowa administrative

1 bulletin.

2 c. Each agency shall adopt rules setting out criteria for
3 the determination of whether a rule proposed by the agency may
4 have a substantial impact on small business. Such criteria
5 shall include all of the following:

6 (1) Any adverse impacts upon small business.

7 (2) Any negative impacts upon job growth.

8 4. Upon receipt by an agency of a timely request for a
9 regulatory analysis pursuant to subsection 1, paragraph "a",
10 the agency shall extend the period specified in this chapter
11 for each of the following until at least twenty days after
12 publication in the Iowa administrative bulletin of a concise
13 summary of the regulatory analysis:

14 a. The end of the period during which persons may make
15 written submissions on the proposed rule.

16 b. The end of the period during which an oral proceeding may
17 be requested.

18 c. The date of any required oral proceeding on the proposed
19 rule.

20 5. In the case of a rule adopted without prior notice and an
21 opportunity for public participation in reliance upon section
22 17A.4, subsection 3, the a summary pursuant to subsection 1,
23 paragraph "a", must be published within seventy days of the
24 request.

25 Sec. 2. Section 17A.33, Code 2011, is amended to read as
26 follows:

27 **17A.33 Review by administrative rules review committee.**

28 The administrative rules review committee shall review
29 existing rules, as time permits, to determine if there are
30 adverse or beneficial effects from these rules. ~~The committee~~
31 ~~shall give a high priority to rules that are referred to it~~
32 ~~by small business as defined in section 17A.4A.~~ The review
33 of these rules shall be forwarded to the appropriate standing
34 committees of the house and senate.

35 EXPLANATION

1 Current law requires an agency proposing a new
2 administrative rule that would have a substantial impact on
3 small business, upon request of various interested entities,
4 to conduct a regulatory analysis meeting certain criteria to
5 determine the impact of the proposed rule on small business and
6 how the impact can be reduced. This bill makes the requirement
7 mandatory for all proposed administrative rules that would have
8 a substantial impact on small business.

9 The bill directs the agency to adopt rules setting out
10 criteria to determine whether a proposed rule may have a
11 substantial impact on small business.